

FISH AND WILDLIFE SERVICE'S (SERVICE) COMMENTS ON NEPA SCOPING
DOCUMENT 2 and AMENDED CEQA NOTICE OF PREPARATION–OROVILLE FERC
RELICENSING–DATED FEBRUARY 25, 2003

1. *Page 23, third paragraph.* The Service wants to reiterate that the Service and NOAA Fisheries followed up with their agency letters on this same issue dated December 5, 2002 and December 11, 2002, respectively. Subsequently, on January 23, 2003, DWR responded back to both the Service and NOAA Fisheries regarding their December 2002 letters. All three of these letters contain information of substance to the discussion within this paragraph. This information in turn should be considered during preparation of the various proposed environmental documents for the proposed action.

2. *Page 24, second paragraph (Step 5).* Based on the Service's participation to date in the collaborative licensing process, and despite the language within this paragraph (i.e., "analysis...will be based on the limit of discernable project impacts"), the Service remains concerned that DWR may still not be making a genuine commitment to follow and evaluate impacts to the full extent of their geographic limits. Assuming any arbitrary downstream geographic limits, such as the mouth of the Feather River as is frequently documented, discussed and implied, could delay ESA consultation with the Service and ultimately the issuance of our Biological Opinion, if required.

An example of one issue that may not conform to such an arbitrary geographic limit is project effects on large woody debris (LWD) distribution and abundance. Today, all LWD input to the river from upstream of Oroville Dam is captured within the reservoir and thereby removed from the riverine ecosystem. In addition, downstream of the dam, both the input and retention of LWD along the river banks may have been significantly altered due to the project.

Therefore, and because LWD typically functions at many different locations as it moves gradually downstream over time, LWD distribution and abundance may have been project-affected all the way to the Sacramento-San Joaquin Delta. If ongoing studies and analyses (e.g., those related to scoping issues G1, G5, W3, W7, F1, F3, F6 and F10) show this to be so, we would want to see any LWD-related effects to all applicable federally-listed species considered and evaluated all the way to the Delta. This could include effects on species such as the delta smelt, which largely occurs in the Delta, but may otherwise be rare on the Feather River upstream of the river's mouth. Other federally-listed species also potentially affected by LWD changes all the way to the Delta could include salmon, steelhead, and Sacramento splittail.

This example for LWD is one of but several potential issues that may transcend arbitrary geographical limits—especially the frequently mentioned mouth-of-Feather River limit. To the extent that DWR addresses the full geographic ranges of these issues in its environmental documents, the Service's regulatory functions and time lines under the ESA will be facilitated and improved. This in turn will facilitate timely completion DWR's relicensing process.